

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BNSF RAILWAY COMPANY,
A Nebraska Corporation,**

Plaintiff,

VS.

RICHARD L. SCOTT,

Defendant,

**LFP ENTERPRISE, INC.,
A Nebraska Corporation and,**

**Defendant and
Third Party Plaintiff,**

VS.

**BENDIX COMMERCIAL VEHICLE
and VOLVO GROUP,**

Third Party Defendants.

4:05CV3034

ORDER

This matter is before the court on the defendants Richard L. Scott and LFP Enterprise, Inc.'s motion for a stay (Filing No. 147). The moving defendants filed a brief (Filing No. 148) in support of the motion. The moving defendants seeks to stay the response deadline related to the plaintiff's motion for partial summary judgment (Filing No. 113) regarding the issue of the plaintiff's contributory negligence pursuant to Federal Rule of Civil Procedure 56(f). These defendants contends the summary judgment motion is impacted by pending motions for leave to file amended answers (Filing Nos. 130 and 132) and a motion for protective order (Filing No. 122). Further, these defendants describe the nature of the discovery necessary to respond to the motion for summary judgment. **See** Filing No. 148. Accordingly, the defendants seek a stay of their response deadline until after the other pending motions are

resolved. The court finds the brief stay of the response deadline is justified and will not unfairly prejudice the other parties. Upon consideration,

IT IS ORDERED:

1. The defendants Richard L. Scott and LFP Enterprise, Inc.'s motion for a stay of the response deadline (Filing No. 147) is granted.

2. The response deadline for the plaintiff's motion for summary judgment (Filing No. 113) is stayed until further order of the court.

DATED this 9th day of January, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge